

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket
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Patent Number: 7,588,557

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September 15, 2009

First Named
Inventor:

Naomi L. Nakao

Title: Medical Instrument for Fluid Injection and Related Method

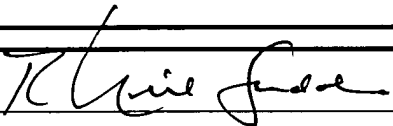
PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date February 2, 2010

Name

(Print/Typed)

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Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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(12) **United States Patent**
Nakao

(10) **Patent No.:** **US 7,588,557 B2**
(45) **Date of Patent:** **Sep. 15, 2009**

(54) **MEDICAL INSTRUMENT FOR FLUID
INJECTION AND RELATED METHOD**

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(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 498 days.

(21) Appl. No.: **10/670,106**

(22) Filed: **Sep. 24, 2003**

(65) **Prior Publication Data**

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A61M 5/178 (2006.01)

(52) U.S. Cl. **604/164.11; 604/164.01**

(58) **Field of Classification Search** 604/21,
604/93.01, 164.01, 164.09, 164.1, 164.11,
604/272, 264, 239, 117, 115, 158, 161, 164.03,
604/164.06, 164.13; 606/41, 110, 113
See application file for complete search history.

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(57) **ABSTRACT**

A medical instrument for fluid injection includes a tubular member and a plurality of hollow needle elements connected to one end of the tubular member. Generally, the tubular member has a lumen and all the needle elements communicate with the lumen to enable a distribution of a diagnostic or therapeutic fluid to various points in a predetermined region. The tubular member is provided with a fluid introduction port at an end of the tubular member opposite the needle elements, the fluid introduction port communicating with the lumen. The needle elements are disposed in a predetermined configuration adapted to carry out a desired function. The needle elements are at least partially made of resilient material with a memory so that the needle elements are biased by their internal stresses towards a predetermined rest configuration and are alternately disposable in the rest configuration and at least one stressed or loaded configuration.

4 Claims, 14 Drawing Sheets

